

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE THE APPLICATION OF	)
	)
Lawrence J. Terzo	) Examiner: Elizabeth D. Wood
	)
SERIAL NO. 10/774,302	) Art Unit: 1755
	)
FILED: February 6, 2004	) Docket No. 36194-95262
	)
FOR: Concrete Admixture and	) Customer No. 23644
Use in Low Temperatures	)

Commissioner of Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF**

This Response is to the Notification of Non-Compliant Appeal brief mailed on December 19, 2006, stating that the summary of the claimed subject matter section of the Appeal Brief as filed did not refer to the independent claims by claim number. Filed herewith is a supplemental Summary of the Claimed Subject Matter as required by 37 CFR § 41.37(c)(1)(v), identifying each independent claim by number. MPEP § 1205.03.

**Summary of the Claimed Subject Matter****Claim 1**

The invention of claim 1 relates to a method of accelerating setting time of concrete containing fly ash at low temperatures by: (a) preparing a concrete mixture effective at an ambient temperature of less than 60° F (p. 4, line 12) and more than 0° F (p. 4, line 13); and (b) adding an admixture comprising a non-chloride type accelerator and a nitrite-based corrosion inhibitor to a cement (p. 4, lines 12-13), either separately or jointly, to produce a concrete mix with an accelerated setting time compared to a concrete without the admixture. (p. 4, lines 15-16).

**Claim 10**

The invention of claim 10 relates to admixture for concrete that is effective at an ambient temperature of less than 60° F (p. 4, line 12)and more than 0° F (p. 4, line 13). The admixture comprising a non-chloride type accelerator and a nitrite-based corrosion inhibitor (p. 4, lines 12-13).

**Claim 15**

The invention of claim 15 relates to a method of accelerating setting time of concrete containing fly ash at low temperatures by first preparing a concrete mixture effective at an ambient temperature of less than 50° F (p. 6, lines 13-16)and greater than 0° F (p. 4, line 13). Then selecting a non-chloride type accelerator and a calcium nitrite-based corrosion inhibitor (p. 4, lines 22-24). Then adding said non-chloride type accelerator and said calcium nitrite-based corrosion inhibitor to said concrete mixture containing fly ash (p. 4, lines 15-16), wherein the amount of said non-chloride type accelerator and said calcium nitrite-based corrosion inhibitor are selected to reduce setting time of said concrete mixture (p. 8, lines 13-16).

**Conclusion**

All matters in the Notification of Non-Compliant Appeal Brief having been addressed, Applicant therefore requests favorable consideration.

Date: 1/4/2007

Respectfully submitted,



John P. Wappel

Registration No. 56, 055  
Barnes & Thornburg LLP  
P.O. Box 2786  
Chicago, Illinois 60690-2786  
Telephone: (312) 357-1313  
Facsimile: (312) 759-5646